

**THE MINUTES OF THE CITY COUNCIL MEETING HELD
MONDAY, MAY 22, 2017 AT 5:30 P.M.**

The Meeting was called to order at 5:30 p.m. Present: Council Chair Christensen; Council Members: Camp, Eskridge, Gaylor Baird, Lamm, Raybould, Shobe; Deputy City Clerk: Soulinnee Phan.

Council Chair Christensen announced that a copy of the Open Meetings Law is posted at the back of the Chamber by the northwest door. He asked all present to stand and recite the Pledge of Allegiance and observe a moment of silent meditation.

READING OF THE MINUTES

ESKRIDGE Having been appointed to read the minutes of the City Council Proceedings of May 15, 2017, reported having done so, found same correct.

Seconded by Gaylor Baird & carried by the following vote: AYES: Camp, Christensen, Eskridge, Gaylor Baird, Lamm, Raybould, Shobe; NAYS: None.

PUBLIC HEARING

APPLICATION OF STOP 'N SHOP, INC. DBA STOP 'N SHOP #6 FOR A CLASS CG LIQUOR LICENSE AT 1502 WEST O STREET;

MANAGER APPLICATION OF JASON K. LAESSIG FOR STOP 'N SHOP, INC. DBA STOP 'N SHOP AT 1502 WEST O STREET - April Johnson, no address given, came forward to take the oath and requested approval.

Carl Eskridge, Council Member, inquired about the on and off-sale liquor license.

Ms. Johnson stated they are looking into selling growlers and in the State of Nebraska to sell those a Class C license needs to be obtained. It would not be onsite consumption, but they would fill the growlers and seal them onsite. Discussion followed.

Cyndi Lamm, Council Member, asked if a keg would have to be onsite to fill the growler and who would be filling the growlers.

Ms. Johnson stated there would need to be a keg onsite and a licensed server/seller would be who would fill the growler. Discussion followed.

Investigator Conan Schaefer, Lincoln Police Department, came forward and explained the only way the establishment can get the Class G license to sell growlers is to first have a Class C license. The Liquor Commission understands the establishment does not intend to do consumption on the premises which is normally allowed with the Class C license. There will be a restriction on the license similar to the restrictions on the Class C licenses at grocery stores. Discussion followed.

Ms. Lamm asked if they have to apply for the Class G license separately.

Investigator Schaefer explained they have already applied for their Class G license with the Commission and it will not get approved until the Class C gets approved. The Commission will first approve the Class C then immediately approve the Class G. Discussion followed.

Terri Pope-Gonzales, 349 S. 1st Street, came forward in opposition.

This matter was taken under advisement.

APPLICATION OF SMG FOOD & BEVERAGE, LLC FOR A SPECIAL DESIGNATED LICENSE TO COVER AN OUTDOOR AREA MEASURING APPROXIMATELY 460 FEET BY 453 FEET, LABELED PATRON PARKING, AN OUTDOOR AREA MEASURING APPROXIMATELY 965 FEET BY 1137 FEET, LABELED SHOW CARS #1, AN OUTDOOR AREA MEASURING APPROXIMATELY 652 FEET BY 406 FEET, LABELED SHOW CARS #2, AND AN OUTDOOR AREA MEASURING APPROXIMATELY 2,082 FEET BY 18 FEET, LABELED PEDESTRIAN BRIDGE, ALL LOCATED AT PINNACLE BANK ARENA AT 401 V STREET ON JUNE 17, 2017 BETWEEN 8:00 A.M. TO 5:00 P.M.;

APPLICATION OF SMG FOOD & BEVERAGE, LLC FOR A SPECIAL DESIGNATED LICENSE TO COVER AN OUTDOOR AREA MEASURING APPROXIMATELY 700 FEET BY 448 FEET AT PINWOOD BOWL AT 4201 SOUTH CODDINGTON AVENUE ON AUGUST 14, 2017 BETWEEN 6:00 A.M. AND 2:00 A.M.;

APPLICATION OF SMG FOOD & BEVERAGE, LLC FOR A SPECIAL DESIGNATED LICENSE TO COVER AN OUTDOOR AREA MEASURING APPROXIMATELY 329 FEET BY 240 FEET AND 22 INCHES AT PINNACLE BANK ARENA AT 400 PINNACLE ARENA DRIVE ON AUGUST 4, 2017 BETWEEN 8:00 A.M. AND 2:00 A.M. - Tom Lorenz, General Manager of Pinnacle Bank Arena, 400 Pinnacle Arena Drive, applicant, came forward and requested approval.

This matter was taken under advisement.

APPROVING A CONTRACT BETWEEN THE CITY OF LINCOLN AND KONE INC. FOR ELEVATOR MAINTENANCE SERVICES – CITY PARKING GARAGES, FOR A THREE YEAR TERM WITH THE OPTION FOR THREE ADDITIONAL ONE YEAR TERMS - David Landis, Urban Development Director, came forward and explained they went through the approved bidding process for the regular preventative maintenance on the elevators in the parking garages. The contract is for a little under \$60,000.00 per year.

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Jon Camp, Council Member, inquired about the number of elevators that would be serviced in this contract.

Bob Walla, City-County Purchasing Agent, shared there are 30 elevators that this contract will cover.

Leirion Gaylor Baird, Council Member, asked if this was a new contract or a renewal and if there were any changes in this contract from previous contracts.

Mr. Walla stated this is a new contract. The previous contract was with another company who still has the remaining buildings for the City/County and the Building Commission. This contract was specific to the parking division because of new needs that had to be considered. This contract will be more proactive in the maintenance of the elevators, which will now be checked monthly.

Cyndi Lamm, Council Member, asked if this contract would need additional funds from the City since there is still another contract with a separate company.

Mr. Walla stated the parking elevators were taken out of the previous contract in January, 2017, and they have been on a month to month contract since that time.

Mr. Landis confirmed that these funds come out of parking services and not the General Fund. This is a cost that comes from charging individuals to use the garages. Discussion followed.

This matter was taken under advisement.

TEXT AMENDMENT 17003 – AMENDING TITLE 3 DESIGN STANDARDS FOR ZONING REGULATIONS BY AMENDING SECTION 4.3 PARKING IN CHAPTER 3.75 NEIGHBORHOOD DESIGN STANDARDS TO PROVIDE THAT NO REQUIRED PARKING SPACE BE ALLOWED BETWEEN THE BUILDING AND FRONT PROPERTY LINE EXCEPT AS OTHERWISE PROVIDED IN SECTION 27.67.030 (A) AND (G) OF THE LINCOLN MUNICIPAL CODE - David Cary, Planning Director, came forward and shared this is a change to the Neighborhood Design Standards and is directly related to an item that Council has already acted on which was changing the language in the Zoning Code for consistency to allow parking in the front yard in the R-5, R-6 and R-7 zoning district.

This matter was taken under advisement.

APPROVING DOWNTOWN LINCOLN ASSOCIATION’S AMENDED 2016-2017 BID BUDGET AND PROGRAM OF WORK FOR DOWNTOWN AND WEST HAYMARKET MANAGEMENT AND MAINTENANCE BUSINESS IMPROVEMENT DISTRICTS - David Landis, Urban Development Director, came forward and said during the last budgeting process, Council put aside money for enhanced streetscape. This is an amendment to the work plan that the City has with DLA. There are specialized contracts where DLA provides services that the City then pays. This would be adding \$80,000 and the City would define the current work plan to allow for the work to be done. The money is in the budget this is just to delegate where the funds will be spent.

Jon Camp, Council Member, inquired where the \$80,000 would be coming from?

Mr. Landis stated this would be from the General Fund appropriation that was put aside in the last budget season.

Mr. Camp asked for what purpose was the money put aside and why Council would have to vote.

Mr. Landis confirmed the funds are for enhanced streetscape and landscapes. Council has to vote because this is a contract with DLA. If this was an in house decision there would need to be no Council Action. The funds will mostly be used for West Haymarket, P Street and the N Street project.

Caleb Swanson, Project Control, 728 Q Street, Suite 1, came forward and explained the specific needs that the \$80,000 would cover are bioswales, higher concentration of bike loops or planter bowls and irrigation is included but only to failing systems. Also, on P Street locations where there are a lot of the benches, banners and pedestrian ornamental lighting. This will also go towards streetscape amenities that are not typical on other blocks.

Leirion Gaylor Baird, Council Member, inquired about the West Haymarket JPA and if they set aside funds in their budget for this as opposed to pulling this from the City’s budget.

Mr. Landis stated to his knowledge the money that was set aside by the Council was to handle enhanced streetscape and he is not sure if JPA set money aside.

Rick Peo, City Attorney, came forward and explained when the West Haymarket addition was final platted the streets were transferred in ownership from JPA to the City and the streets and the streetscape belong to the City at this point.

Cyndi Lamm, Council Member, asked why the contract refers to 2016-2017 and why does it appear we are worrying about things that have been previously done.

Chris Connolly, City Attorney, came forward and advised the purpose is to amend the current contract that is already in place and is scheduled to end at the end of August, 2017, and to add the enhancements that are needed. These funds have been approved as part of the Public Works budget, but it would be new money going into the contract. Discussion followed.

Todd Ogden, Deputy Director of Downtown Lincoln Association, 206 S. 13th Street came forward and said the boundaries have been expanded in the Downtown area which means more work for their crew. There are separate bid contracts with more specific things that have to be done. The goal of the bid is to have a fair rate for all of Downtown. Discussion followed.

This matter was taken under advisement.

TEXT AMENDMENT 17004 – AMENDING CHAPTER 27.59 OF THE LINCOLN MUNICIPAL CODE RELATING TO AIRPORT ZONING REGULATIONS BY AMENDING SECTION 27.59.010 TO ADD DEFINITIONS FOR “SHADED AREAS” AND “FAA”; BY AMENDING SECTION 27.59.060 TO MODIFY REQUIREMENTS FOR HEIGHT PERMITS; BY ADDING A NEW SECTION NUMBERED 27.59.065 TO PROVIDE EXCEPTIONS TO REQUIRED HEIGHT PERMITS; ADDING A NEW SECTION NUMBERED 27.59.067 REGARDING NOTICE TO FAA OF CERTAIN CONSTRUCTION; ADOPTING A REVISED LINCOLN AIRPORT ZONING MAP; AND REPEALING SECTION 27.59.010 AND SECTION 27.59.060 AS HITHERTO EXISTING. (REQUEST TO DELAY PUBLIC HEARING TO 6/5/17) - Steve Henrichsen, Planning Department, came forward and explained the text amendment is the result of a collaborative effort with the City, Airport Authority and the Home Builders Association of Lincoln. This is due to more growth in Northwest Lincoln and houses being built at higher elevation. There needed to be some amendments to the process with different height permits and surveys done with large structures.

This matter was taken under advisement.

APPROVING A LICENSE AGREEMENT BETWEEN THE CITY OF LINCOLN AND VERIZON WIRELESS FOR THE PLACEMENT OF TELECOMMUNICATIONS FACILITIES UPON CITY PROPERTY GENERALLY LOCATED AT 3403 WEST VAN DORN STREET - Jeff Kirkpatrick, City Attorney, came forward and explained this is a cell tower lease similar to the ones that have been done over the past 20 years. This is not a new cell tower it is a lease to Verizon to put an antenna on an existing tower.

Leirion Gaylor Baird, Council Member, asked for confirmation that the revenues from this would go into Parks & Recreation budget.

Lynn Johnson, Parks & Recreation Director, came forward and clarified this property is on the golf course property and the proceeds would go to the Golf CIP.

This matter was taken under advisement.

AUTHORIZING THE ISSUANCE OF TAX ALLOCATION BONDS FOR THE NEBRASKA INNOVATION CAMPUS (NIC) PHASE II REDEVELOPMENT PROJECT - David Landis, Urban Development Director, came forward and stated on April 10, 2017, Council passed a Redevelopment Agreement for phase 2 of the Innovation Campus, which involved a \$15 million building and about \$3 million in TIF. The University and the developer were very sensitive that sight work begin as soon as possible, so there was some pressure with the Redevelopment Agreement being written appropriately and to the satisfaction of both parties to act on it in April. Bond Council wanted to continue to work at the language of the bond. The Agreement was passed which allowed the University and developer the opportunity to move forward on work they thought was critical. This bond would be the third part of the Agreement that was executed with the developer and the University to complete phase 2, the 80,000 square foot building, and Transformation Drive improvements.

Tom Huston, 233 S. 13th Street, Suite 1900, came forward in support.

Jon Camp, Council Member, inquired about the TIF normally being used where there is a taxable entity and asked if the grounds there are property taxed.

Mr. Huston shared it is taxable property because of a Master Lease Agreement between Board of Regents and the Nebraska Innovation Campus Development Corporation, and the lease term is for 99 years.

This matter was taken under advisement.

TEXT AMENDMENT 16020 – AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE ZONING CODE BY AMENDING SECTION 27.62.100(C)(2) TO MODIFY THE FRONT AND SIDE YARD SETBACKS FOR CAR SALES AND REMOVE CONDITIONS THAT ARE NO LONGER NEEDED; BY AMENDING SECTION 27.67.040 TO CREATE A NEW PARKING REQUIREMENT FOR MOTORIZED VEHICLE SALES FOR LOTS LESS THAN TWO ACRES; AND REPEALING SECTIONS 27.62.100(C)(2) AND 27.67.040 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING. (4/10/17 - PUBLIC HEARING CONT'D 3 WEEKS TO 5/1/17) (5/1/17 - ACTION DELAYED 3 WEEKS W/ CONT'D PUBLIC HEARING ON 5/22/17) - David Cary, Planning Department Director, came forward and shared initially this was a proposal to accomplish 3 things: adjust the front yard setback to allow car sales closer to the property line, amend the required amount of parking for car dealerships, and to adjust the side yard for the use of car sales. This agreement is for smaller car sale operators of 2 acres or less. The proposed amendment changes the side yard setback to 5 feet. Planning will hold off on any changes to the setbacks in the front yard to allow further study of entryway corridors for the City, mainly on Cornhusker Highway, but also on West O Street. This proposal would allow this current operator to move forward with their operation.

Cyndi Lamm, Council Member, referred back to the hearing notes from the Planning Commission and stated the ordinance that is currently in place with the front yard setback was one that was put in place from input from the West O Business Association and the car dealerships.

Steve Henrichsen, Planning Department, stated there is a larger process when going from a 20 feet setback to the 12 feet setback and those groups, and a few others had input at that time.

Jane Raybould, Council Member, asked for clarification on the confusion with some of the current compliance of those Auto Dealerships in the H-2 and H-3 zones.

Mr. Cary confirmed there is a lot of discussion for this proposal and this has been on the level of enforcement of the existing front yard setback of 12 feet. It has also been discussed how to enforce what is already on the books, but also acknowledge there is a challenge with this use of car sales because of the

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fact that inventory can move around fairly easily. This has been a challenge for the Building and Safety Department to determine what level of enforcement they want to move forward on with this issue. There has been a very limited amount of complaints on this use throughout the City and they only investigate this on a complaint basis. Discussion followed.

Mr. Henrichsen stated there has been some confusion over the years regarding the front yard setback. For example, a restaurant could be in an area for 20 years and would legally have parking in the front yard setback, then a car dealership would move next door to the restaurant and think they could use the same front yard setback, but for car dealers they need to have at least a 12 foot setback. Discussion followed.

Terry Barber, no address given, came forward representing the neighbor of the applicant on 33rd and Cornhusker and stated they are in opposition of this item.

Ms. Lamm stated the applicant could not attend, but did send an email with a petition signed by 28 car dealerships in support of the text amendment and also read an email from the West O Business Association who is also in support. Discussion followed.

Leirion Gaylor Baird, Council Member, asked why they are granting the side yard setback, but have chosen to investigate further on the front yard setback.

Mr. Henrichsen explained the applicant is currently in the H-3 district that currently require a 15 foot setback on the side yard. With this amendment it would allow that setback to go down to 5 feet. The H-2 zone already has a 5 foot setback which would go unchanged. They thought it was appropriate to change the H-3 zoning to be consistent with the H-2 zones and allow both to have a setback of 5 feet on the side.

This matter was taken under advisement.

COUNCIL ACTION

REPORTS OF CITY OFFICERS

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTION AND ORDINANCES PASSED BY CITY COUNCIL ON MAY 8, 2017 - CLERK presented said report which was placed on file in the Office of the City Clerk. **(27-1)**

PETITIONS & COMMUNICATIONS

SETTING THE HEARING DATE OF MON., JUNE 5, 2017 AT 3:00 P.M. ON THE APPLICATION OF NORTH WEST PIZZERIA INC DBA DELIZIOSO PIZZERIA FOR A CLASS C LIQUOR LICENSE AT 3001 NW 12TH STREET - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption:

A-90465 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, June 5, 2017, at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the Application of North West Pizzeria Inc dba Delizioso Pizzeria for a Class C Liquor License at 3001 NW 12th Street.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Carl Eskridge

Seconded by Gaylor Baird & carried by the following vote: AYES: Camp, Christensen, Eskridge, Gaylor Baird, Lamm, Raybould, Shobe; NAYS: None.

SETTING THE HEARING DATE OF MON., JUNE 12, 2017 AT 3:00 P.M. ON THE APPLICATION OF HQR LLC DBA PIEZANO'S FOR A CLASS I LIQUOR LICENSE AT 2740 SOUTH STREET - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption:

A-90466 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, June 12, 2017, at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the Application of HQR LLC dba Piezano's for a Class I Liquor License at 2740 South Street.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Carl Eskridge

Seconded by Gaylor Baird & carried by the following vote: AYES: Camp, Christensen, Eskridge, Gaylor Baird, Lamm, Raybould, Shobe; NAYS: None.

SETTING THE HEARING DATE OF MON., JUNE 12, 2017 AT 3:00 P.M. ON THE APPLICATION OF FAREWAY STORES INC. DBA FAREWAY MEAT MARKET #175 FOR A CLASS C LIQUOR LICENSE AT 3033 S. 84TH STREET - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption:

A-90467 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, June 12, 2017, at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the Application of Fareway Stores Inc dba Fareway Meat Mark #175 for a Class I Liquor License at 3033 S. 84th Street.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Carl Eskridge

Seconded by Gaylor Baird & carried by the following vote: AYES: Camp, Christensen, Eskridge, Gaylor Baird, Lamm, Raybould, Shobe; NAYS: None.

THE FOLLOWING WERE REFERRED TO THE PLANNING DEPT.:

Change of Zone No. 17008, requested by Seacrest and Kalkowski, from R-1 (Residential District) to O-3 (Office Park District), on property generally located at 6969 South Street and 2215 South 70th Street.

Change of Zone No. 17009, requested by Ryan Omel, from AG (Agricultural District) to AGR (Agricultural Residential District) for 20 acres, on property generally located at SW 27th Street and Roxbury Lane.

Change of Zone No. 3134E, requested by Olsson Associates, for the adjustment of perimeter setbacks for the Willow Springs Planned Unit Development, on property generally located at the northwest corner of Lucile Drive and Pioneers Boulevard.

Special Permit No. 08004B, requested by James D. Peterson, for soil excavation, on property generally located at 3601 Waverly Road.

Special Permit No. 1627B, to extend an existing wireless telecommunications monopole by approximately 10 feet, on property generally located at 921 Fletcher Avenue.

Special Permit No. 17012, requested by Beach Solar, LLC, to allow for installation of a 100-kilowatt solar energy conversion system, on property legally described as Capitol Beach West Addition, Outlots B and C, located in the SE 1/4 of Section 16-10-6, and N 1/2 of Section 21-10-6, Lincoln, Lancaster County, Nebraska.

Text Amendment No. 17006, requested by City of Lincoln, amending Title 26 Subdivision Ordinance, Title 27 Zoning Ordinance, Title 3 Design Standards by amending 26.11.036 to modify notice requirements; by amending 26.11.037 preliminary plat appeal procedure; by amending 26.15.015 and 26.15.020 by deleting obsolete text; by amending 26.19.020 to add lien holder; by amending 26.19.041 for surveyor references; and 26.23.140 to delete an obsolete Table and to provide requirements for residential lots that front on private roadways; by amending 27.06.020 for access across zoning districts; by amending 27.06.120 for conditional uses in the I-3 District; and 27.06.130 to designate retail sale as conditional use in the I-3 District; by amending 27.06.150 to list any amusement license use as a conditional use in the AG District; and 27.07.030 concerning amusement license regulations; by amending 27.51.030 for I-3 District to delete conditions for retail and office use; by amending 27.62.030 to provide that urban gardens as conditional use in the Agricultural Use Group may have plants in the front yard; by amending 27.62.090 for offices as conditional use in the I-3 District; by amending 27.62.100 for additional conditions for retail and office uses in the I-3 District; by amending 27.62.120 for amusement license as conditional use; by amending 27.63.025 for appeal of Special Permit filing; by repealing 27.63.140 to delete outdoor lighting requirements; by amending 27.63.180 for text consistent with use groups; by amending 27.63.500 for geography of corridors for salvage uses; by amending 27.63.510 to add mausoleums as special permitted use; by amending 27.63.570 for typographic errors; by amending 27.64.010 for use permit appeal procedures; by amending 27.65.020 for community unit plan in BTA Overlay District with underlying AG zoning and to remove density penalties for community unit plans on small parcels; by amending 27.67.040 for parking requirements for premises in the B-1 and B-3 districts which sell alcohol; by amending 27.69.030 for wall signage in the R-T, O-1 and O-2 districts; and 27.69.090 to clarify which street frontage the location of a wall sign is measured from; by amending 27.72.010 to clarify minimum lot requirements and adjust conforming and nonconforming provisions; and Table 27.72.020(b) for R-7 and R-8 side yard requirements; by amending 27.75.030 to extend the filing time for Board of Appeals; by amending 27.81.010 for a chapter reference; by amending 27.81.050 for notice requirements; by repealing Chapter 3.05 for environmental impact statements for the B-5 District; by repealing Chapter 3.15 Standards for Financial Institutions in the O-1 District; by repealing Chapter 3.20 Signage for Historic Building Reuse by Special Permit; by repealing Chapter 3.25 Standards for Exceeding Maximum Height by Special Permit; by repealing Chapter 3.60 Design Standards for Park Land; and by repealing Chapter 3.80 Technology Park Design Standards; and amending Section 7.1 of Chapter 3.50 Design Standards for Screening and Landscaping to grant exception along the public right-of-way when the parking area and driving aisles are set back 100 feet or more, of the Lincoln Municipal Code, as hitherto existing.

Text Amendment No. 17010, requested by Beach Solar, LLC, to amend the Lincoln Municipal Zoning Code by amending Section 27.02.040 to delete the definition of Commercial Solar Energy Conversion System; by amending Section 27.02.200 to add definitions for Solar Energy Conversion System Large and Solar Energy Conversion System Small; by amending Section 27.06.090 to amend the Utility Use Group Table to strike Commercial Solar Energy Conversion System as a listed use type, to add Solar Energy Conversion System (Large) as a listed use type allowed by Special Permit in the AG District and as a permitted use in the H-2 through H-4 and I-1 through I-3 Districts, and to add Solar Energy Conversion System (Small) as a listed use type allowed by Special Permit in the AGR, R-1 through R-8, O-1 through O-3, and RT Districts and as a permitted use in all other districts; by amending Section 27.63.830 to allow Large Solar Energy Conversion System as a permitted special use in the AG District and to allow Small Solar Energy Conversion System as a permitted special use in the AGR, R-1 through R-8, O-1 through O-3, and RT Districts and to provide conditions for such uses; and repealing Sections 27.02.040, 13 27.02.200, 27.06.090, and 27.63.830 as hitherto existing.

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PLACED ON FILE IN THE OFFICE OF THE CITY CLERK:

Administrative Amendment No. 17034 to Special Permit No. 155, Heritage Place, approved by the Planning Director on May 2, 2017, to revise the site layout, generally located at N. 35th Street and Gladstone Street.

Administrative Amendment No. 17029 to Use Permit No. 145B, Pine Lake Plaza, approved by the Planning Director on May 4, 2017, to increase the size of an early childhood care facility from 6,015 to 7,930 square feet, and to increase the capacity from 110 students and 15 employees to 123 students and 20 employees, generally located at S. 84th Street and Highway 2.

Administrative Amendment No. 17014 to Special Permit No. 06001B, Grand Terrace CUP, approved by the Planning Director on May 4, 2017, to allow multiple-family units on Block 10, to adjust rear setback to 12' for Block 10, and to update plan as necessary, generally located at S. 84th Street and Highway 2.

LIQUOR RESOLUTIONS

APPLICATION OF STOP 'N SHOP, INC. DBA STOP 'N SHOP #6 FOR A CLASS CG LIQUOR LICENSE AT 1502 WEST O STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-90468 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Stop N' Shop, Inc. dba Stop 'N Shop #6 for a Class "CG" liquor license at 1502 West O Street, Lincoln, Nebraska, for the license period ending October 31, 2017, be approved with the condition that:

1. The applicant obtains a valid special permit, including meeting the appropriate parking requirements.
2. All employees must possess a valid Responsible Beverage Server/Seller Permit as required by Section 5.04.124 of the Lincoln Municipal Code.
3. The premises must comply in every respect with all city and state regulations.

The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

Seconded by Gaylor Baird & carried by the following vote: AYES: Camp, Christensen, Eskridge, Gaylor Baird, Lamm, Raybould, Shobe; NAYS: None.

MANAGER APPLICATION OF JASON K. LAESSIG FOR STOP 'N SHOP, INC. DBA STOP 'N SHOP AT 1502 WEST O STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-90469 WHEREAS, Stop 'N Shop, Inc. dba Stop 'N Shop #6 located at 1502 West O Street, Lincoln, Nebraska has been approved for a Retail Class "CG" liquor license, and now requests that Jason K. Laessig be named manager;

WHEREAS, Jason K. Laessig appears to be a fit and proper person to manage said business.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that Jason K. Laessig be approved as manager of this business for said licensee.

The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

Seconded by Gaylor Baird & carried by the following vote: AYES: Camp, Christensen, Eskridge, Gaylor Baird, Lamm, Raybould, Shobe; NAYS: None.

APPLICATION OF SMG FOOD & BEVERAGE, LLC FOR A SPECIAL DESIGNATED LICENSE TO COVER AN OUTDOOR AREA MEASURING APPROXIMATELY 460 FEET BY 453 FEET, LABELED PATRON PARKING, AN OUTDOOR AREA MEASURING APPROXIMATELY 965 FEET BY 1137 FEET, LABELED SHOW CARS #1, AN OUTDOOR AREA MEASURING APPROXIMATELY 652 FEET BY 406 FEET, LABELED SHOW CARS #2, AND AN OUTDOOR AREA MEASURING APPROXIMATELY 2,082 FEET BY 18 FEET, LABELED PEDESTRIAN BRIDGE, ALL LOCATED AT PINNACLE BANK ARENA AT 401 V STREET ON JUNE 17, 2017 BETWEEN 8:00 A.M. TO 5:00 P.M. - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-90470 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of SMG Food & Beverage, LLC for a special designated license to cover an outdoor area measuring approximately 460 feet by 453 feet, labeled Patron Parking, an outdoor area measuring approximately 965 feet by 1137 feet, labeled Show Cars #1, an outdoor area measuring approximately 652 feet by 406 feet, labeled Show Cars #2, and an outdoor area measuring approximately 2,082 feet by 18 feet,

labeled Pedestrian Bridge, all located at Pinnacle Bank Arena at 401 V Street on June 17, 2017 between 8:00 a.m. to 5:00 p.m., be approved with the condition that the premises complies in every respect with all City and State regulations and with the following requirements:

1. Identification to be checked, wristbands required on all parties wishing to consume alcohol.
2. Adequate security shall be provided for the event.
3. The area requested for the permit shall be separated from the public by a fence or other means.
4. Responsible alcohol service practices shall be followed.

BE IT FURTHER RESOLVED the City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

Seconded by Gaylor Baird & carried by the following vote: AYES: Camp, Christensen, Eskridge, Gaylor Baird, Lamm, Raybould, Shobe; NAYS: None.

APPLICATION OF SMG FOOD & BEVERAGE, LLC FOR A SPECIAL DESIGNATED LICENSE TO COVER AN OUTDOOR AREA MEASURING APPROXIMATELY 700 FEET BY 448 FEET AT PINWOOD BOWL AT 4201 SOUTH CODDINGTON AVENUE ON AUGUST 14, 2017 BETWEEN 6:00 A.M. AND 2:00 A.M. - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-90471 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of SMG Food & Beverage, LLC for a special designated license to cover an outdoor area measuring approximately 329 feet feet at Pinewood Bowl at 4201 South Coddington Avenue on August 14, 2017 between 6:00 a.m. and 2:00 a.m., be approved with the condition that the premises complies in every respect with all City and State regulations and with the following requirements:

1. Identification to be checked, wristbands required on all parties wishing to consume alcohol.
2. Adequate security shall be provided for the event.
3. The area requested for the permit shall be separated from the public by a fence or other means.
4. Responsible alcohol service practices shall be followed.

BE IT FURTHER RESOLVED the City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

Seconded by Gaylor Baird & carried by the following vote: AYES: Camp, Christensen, Eskridge, Gaylor Baird, Lamm, Raybould, Shobe; NAYS: None.

APPLICATION OF SMG FOOD & BEVERAGE, LLC FOR A SPECIAL DESIGNATED LICENSE TO COVER AN OUTDOOR AREA MEASURING APPROXIMATELY 329 FEET BY 240 FEET AND 22 INCHES AT PINNACLE BANK ARENA AT 400 PINNACLE ARENA DRIVE ON AUGUST 4, 2017 BETWEEN 8:00 A.M. AND 2:00 A.M. - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-90472 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of SMG Food & Beverage, LLC for a special designated license to cover an outdoor area measuring approximately 329 feet by 240 feet and 22 inches at Pinnacle Bank Arena at 400 Pinnacle Arena Drive on August 4, 2017 between 8:00 a.m. and 2:00 a.m., be approved with the condition that the premises complies in every respect with all City and State regulations and with the following requirements:

1. Identification to be checked, wristbands required on all parties wishing to consume alcohol.
2. Adequate security shall be provided for the event.
3. The area requested for the permit shall be separated from the public by a fence or other means.
4. Responsible alcohol service practices shall be followed.

BE IT FURTHER RESOLVED the City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

Seconded by Gaylor Baird & carried by the following vote: AYES: Camp, Christensen, Eskridge, Gaylor Baird, Lamm, Raybould, Shobe; NAYS: None.

PUBLIC HEARING - RESOLUTIONS

APPROVING A CONTRACT BETWEEN THE CITY OF LINCOLN AND KONE INC. FOR ELEVATOR MAINTENANCE SERVICES – CITY PARKING GARAGES, FOR A THREE YEAR TERM WITH THE OPTION FOR THREE ADDITIONAL ONE YEAR TERMS - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

**REGULAR MEETING
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A-90473

BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the Contract between the City of Lincoln and KONE Inc. for Elevator Maintenance Services – City Parking Garages, pursuant to RFP 17-009, for a three (3) year term, with the option for three (3) additional one (1) year terms, upon the terms and condition as set forth in said Contract, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

Introduced by Jon Camp

Seconded by Raybould & carried by the following vote: AYES: Camp, Christensen, Eskridge, Gaylor Baird, Lamm, Raybould, Shobe; NAYS: None.

TEXT AMENDMENT 17003 – AMENDING TITLE 3 DESIGN STANDARDS FOR ZONING REGULATIONS BY AMENDING SECTION 4.3 PARKING IN CHAPTER 3.75 NEIGHBORHOOD DESIGN STANDARDS TO PROVIDE THAT NO REQUIRED PARKING SPACE BE ALLOWED BETWEEN THE BUILDING AND FRONT PROPERTY LINE EXCEPT AS OTHERWISE PROVIDED IN SECTION 27.67.030 (A) AND (G) OF THE LINCOLN MUNICIPAL CODE - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-90474

WHEREAS, the City of Lincoln has previously adopted the City of Lincoln Design Standards consisting of four titles (Title 1. General Provisions, Title 2. Design Standards for Subdivision Regulations, Title 3. Design Standards for Zoning Regulations, and Title 4. Miscellaneous Design Standards) and Appendix A – Sight Distance which are maintained in pdf format on the Planning Departments website under Development Review; and

WHEREAS, James Christo has requested the City Council to amend Title 3 Design Standards for Zoning Regulations by amending Section 4.3 Parking in Chapter 3.75 Neighborhood Design Standards to provide that no required parking space be allowed between the building and front property line except as otherwise provided in Section 27.67.030 (a) and (g) of the Lincoln Municipal Code.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

1. That Section 4.3 of Chapter 3.75 Neighborhood Design Standards be and the same is hereby amended as shown on Attachment “A” which is attached hereto and incorporated herein by this reference.

Introduced by Jon Camp

Seconded by Gaylor Baird & carried by the following vote: AYES: Camp, Christensen, Eskridge, Gaylor Baird, Lamm, Raybould, Shobe; NAYS: None.

APPROVING DOWNTOWN LINCOLN ASSOCIATION’S AMENDED 2016-2017 BID BUDGET AND PROGRAM OF WORK FOR DOWNTOWN AND WEST HAYMARKET MANAGEMENT AND MAINTENANCE BUSINESS IMPROVEMENT DISTRICTS - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-90475

WHEREAS, the City of Lincoln has entered into a contract with the Downtown Lincoln Association for the provision of services within the various Downtown and West Haymarket/Downtown Management and Maintenance Business Improvement Districts; and

WHEREAS, said contract requires the submittal of a work plan and annual budgets for work to be performed in the Downtown and West Haymarket/Downtown Management and Maintenance Districts by the Downtown Lincoln Association, with said work plan and budgets approved by Resolution A-89875; and

WHEREAS, in addition to the work currently done by the Downtown Lincoln Association, the City of Lincoln has a need for enhanced streetscape maintenance and shall have the Downtown Lincoln Association perform such work as part of the contract described herein; and

WHEREAS, funding in the amount of \$80,295.75 to perform the enhanced streetscape maintenance services for the remainder of the 2016-2017 fiscal year is included in the General Fund/Public Works and Utilities/Streetscapes budget.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Amended 2016-2017 Maintenance and Management BID Budgets and Program of Work to be performed by the Downtown Lincoln Association, to include funding in the amount of \$80,295.75 for enhanced streetscape maintenance, for the period of September 1, 2016 to August 31, 2017 and marked as Attachment “A” is hereby approved.

Introduced by Jon Camp

Seconded by Raybould & carried by the following vote: AYES: Camp, Christensen, Eskridge, Gaylor Baird, Lamm, Raybould, Shobe; NAYS: None.

PUBLIC HEARING ORDINANCES - 2ND READING & RELATED RESOLUTIONS

TEXT AMENDMENT 17004 – AMENDING CHAPTER 27.59 OF THE LINCOLN MUNICIPAL CODE RELATING TO AIRPORT ZONING REGULATIONS BY AMENDING SECTION 27.59.010 TO ADD DEFINITIONS FOR “SHADED AREAS” AND “FAA”; BY AMENDING SECTION 27.59.060 TO MODIFY REQUIREMENTS FOR HEIGHT PERMITS; BY ADDING A NEW SECTION NUMBERED 27.59.065 TO PROVIDE EXCEPTIONS TO REQUIRED HEIGHT PERMITS; ADDING A NEW SECTION NUMBERED 27.59.067 REGARDING NOTICE TO FAA OF CERTAIN CONSTRUCTION; ADOPTING A REVISED LINCOLN AIRPORT ZONING MAP; AND REPEALING SECTION 27.59.010 AND SECTION 27.59.060 AS HITHERTO EXISTING (Request to delay Public Hearing to 6/5/17) - PRIOR to reading:

- CAMP Moved to delay Public Hearing & Action on Bill No. 17-67 for 2 weeks to 6/5/17.
Seconded by Eskridge & carried by the following vote: AYES: Camp, Christensen, Eskridge, Gaylor Baird, Lamm, Raybould, Shobe; NAYS: None.
- CLERK Read an ordinance, introduced by Jon Camp, amending Chapter 27.59 of the Lincoln Municipal Code relating to Airport Zoning Regulations by amending Section 27.59.010 to add definitions for “Shaded Areas” and “FAA”; by amending Section 27.59.060 to modify requirements for height permits; by adding a new section numbered 27.59.065 to provide exceptions to required height permits; adding a new section numbered 27.59.067 regarding notice to FAA of certain construction; adopting a revised Lincoln Airport Zoning Map; and repealing Section 27.59.010 and Section 27.59.060 as hitherto existing, the second time.

APPROVING A LICENSE AGREEMENT BETWEEN THE CITY OF LINCOLN AND VERIZON WIRELESS FOR THE PLACEMENT OF TELECOMMUNICATIONS FACILITIES UPON CITY PROPERTY GENERALLY LOCATED AT 3403 WEST VAN DORN STREET - CLERK read an ordinance, introduced by Jon Camp, accepting and approving the License Agreements between the City of Lincoln, Nebraska, a municipal corporation, and Verizon Wireless (VAW) LLC d/b/a Verizon Wireless for the placement of telecommunications facilities upon City property located at 3403 West Van Dorn Street and authorizing the Mayor to sign such License Agreement on behalf of the City, the second time.

AUTHORIZING THE ISSUANCE OF TAX ALLOCATION BONDS FOR THE NEBRASKA INNOVATION CAMPUS (NIC) PHASE II REDEVELOPMENT PROJECT - CLERK read an ordinance, introduced by Jon Camp, authorizing and providing for the Issuance of City of Lincoln, Nebraska Tax Allocation Bonds, Notes or Other Obligations, in one or more Taxable or Tax-Exempt Series, in an Aggregate Principal amount not to exceed \$3,116,291.00 for the purpose of (1) paying the costs of acquiring, purchasing, constructing, reconstructing, improving, extending, rehabilitating, installing, equipping, furnishing and completing certain property and improvements within the City’s NIC Phase II Redevelopment Project Area, and (2) paying the costs of issuance thereof; prescribing the form and certain details of the bonds, notes or other obligations; pledging certain tax revenue and other revenue to the payment of the principal of and interest on the bonds, notes or other obligations as the same become due; limiting payment of the bonds, notes or other obligations to such tax revenues; creating and establishing funds and accounts; delegating, authorizing and directing the finance director to exercise his independent discretion and judgment in determining and finalizing certain terms and provisions of the bonds, notes or other obligations not specified herein; taking other actions and making other covenants and agreements in connection with the foregoing; and related matters, the second time.

PUBLIC HEARING - ORDINANCE - 3RD READING

TEXT AMENDMENT 16020 – AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE ZONING CODE BY AMENDING SECTION 27.62.100(C)(2) TO MODIFY THE FRONT AND SIDE YARD SETBACKS FOR CAR SALES AND REMOVE CONDITIONS THAT ARE NO LONGER NEEDED; BY AMENDING SECTION 27.67.040 TO CREATE A NEW PARKING REQUIREMENT FOR MOTORIZED VEHICLE SALES FOR LOTS LESS THAN TWO ACRES; AND REPEALING SECTIONS 27.62.100(C)(2) AND 27.67.040 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING - PRIOR to reading:

GAYLOR BAIRD Moved to amend Bill No. 17-51 as follows:

1. Beginning on page 1, line 9 through page 10, line 17 delete Section 1 in its entirety and insert a new Section 1 to read as follows:
Section 1. That Section 27.62.100 of the Lincoln Municipal Code be amended to read as follows:
27.62.100 Retail Sales and Services Use Group.
A building or premises may be used for the following use types as a permitted conditional use in the designated zoning districts and in compliance with the conditions of approval applicable for that use type.
 - (a) Hotels and motels are allowed in the I-3 zoning district under the following conditions:
 - (1) The total square footage of such use shall not exceed ten percent (10%) of the buildable square footage of the tract of land included within the boundaries of the use permit assuming a floor-to-area ratio of one to four.
 - (2) Accessory uses operated by a concessionaire or lessee of an employer may occupy no more than five percent (5%) of the total floor area of the hotel or motel.
 - (b) Kennels and/or Veterinary Facilities may be allowed in those zoning districts where such use is designated as a permitted conditional use under a Use Group Table in Chapter 27.06, under the following conditions:
 - (1) Any associated outdoor area must be located no closer than 200 feet from any R-1 through R-8 residential district.
 - (2) No more than 3 animals are permitted in the outdoor area at any one time.(NOTE: If the above conditions cannot be met, the use may be allowed upon approval of a special permit pursuant to Chapter 27.63).
 - (c) Motorized vehicle sales and/or repair/services facilities are permitted in the B-3, B-4, H-2, and H-3 zoning districts and Motorized vehicle services is permitted in the B-1 under the following conditions:

- (1) In the B-1 and B-3 zoning districts:
 - (i) No facility shall be permitted to locate within 100 feet of any residential use or district;
 - (ii) Any facility located within 100 feet of any residential use or district which was lawfully established in the B-1 or B-3 zoning district on the effective date of this ordinance, shall screen the facility from such residential use or district by the use of an opaque fence six feet in height, constructed of wood, or of a substitute material found acceptable to the Director of Building and Safety;
 - (iii) The locational or screening requirements of (i) and (ii) above shall not apply when said residential use or district is across a public street from the motorized vehicle sales and/or repair facility, but shall apply if said residential use or district is across an alley or private drive from said facility;
- (2) In the H-2 and H-3 zoning districts, the storage of vehicles for sale and resale is permitted in the front yard except for the front twelve feet under the following conditions:
 - (i) Parking barriers in accordance with parking lot design standards must be provided around the storage/display area to prevent the vehicles stored/displayed for sale or resale from overhanging the front twelve feet of the front yard.
 - (ii) No vehicle shall be stored/displayed for sale or resale in the front yard upon a raised concrete island or on a raised display structure.
 - (iii) The hood or trunk or both of vehicles stored/displayed for sale or resale in the front yard shall not be open except when being inspected by a customer or for servicing.
 - (iv) The front twelve feet of the front yard shall be devoted to shrubs and grasses.
 - (v) The front twelve feet of the front yard not permitted to be used for the storage of vehicles for sale and resale shall be screened at least sixty percent from zero feet to two feet above the surface of the lot. The design and construction of the landscaping shall be in conformance with the Design Standards for Screening and Landscaping except that fences may not be used to meet the above screening requirements. If plant material is used, the density percentage is calculated using the design size found in the City of Lincoln's plant material list approved by the Planning Director. The landscape screen shall be located throughout the area but far enough from the barrier so as to be protected from the bumpers of overhanging vehicles. Entrance driveways shall be excluded from the required screen.
 - (vi) No fence shall be erected in the front yard.
 - (vii) Lighting in the front yard shall be in conformance with the Design Standards for Outdoor Lighting.
 - (viii) Any existing motorized vehicle sales facility lawfully established on the effective date of this ordinance which does not comply with conditions (i) through (vii) above may be continued in accordance with the provisions of Chapter 27.61 for nonconforming uses.
- (3) In the H-3 district, any associated outdoor area for the storage of motorized vehicles ("Outdoor Storage Area") for sale or resale is permitted in any required side yard abutting a nonresidential district, provided that no motorized vehicle shall be displayed or stored in the first five feet (5') of the required side yard adjacent to the abutting nonresidential district.
- ~~(3)~~(4) In the area of the B-4 zoning district from 150 feet east of 17th Street to the eastern edge of the B-4 zoning district, motorized vehicle sales and/or repair/service facilities are prohibited;
- (d) Motor fuel sales facilities are allowed in the B-4 zoning district under the following condition: In the area of the B-4 zoning district from 150 feet east of 17th Street to the eastern edge of the B-4 zoning district, fuel sales facilities are prohibited;
- (e) Motorized vehicle wash facilities are allowed in the B-1, B-2, B-3, B-4, H-2, and H-3 zoning districts under the following conditions:
 - (1) In the B-1, B-2, and B-3 zoning districts, a self-service, coin-operated wash facility shall not exceed four wash bays.
 - (2) In the H-2 and H-3 zoning districts, a self-service, coin-operated wash facility shall not exceed six wash bays.
 - (3) In the B-2 and B-3 zoning districts, the stacking space shall not be located within the required front yard.
 - (4) In the area of the B-4 zoning district from 150 feet east of 17th Street to the eastern edge of the B-4 zoning district and in the area bounded by 10th Street, 150 feet north of "P" Street, 14th Street, and "N" Street, motorized vehicle wash facilities are prohibited;
- (f) Outdoor seasonal sales, tents, and other temporary structures are allowed in the AG and AGR zoning districts under the following conditions:
 - (1) In the AG and AGR zoning districts, roadside stands for the temporary or seasonal sale of produce shall:
 - (i) Be located outside the city limits;
 - (ii) Be allowed in addition to any other main use, regardless of lot size;
 - (iii) Be allowed in a required yard, provided that such roadside stand shall be located no closer than thirty feet to the edge of a traveled roadway;
 - (iv) Not be operated for more than 180 days in any one calendar year.

- (g) Parking as a primary use is allowed in the O-2 and B-4 zoning districts under the following conditions:
- (1) In the O-2 zoning district provided that no part of the street frontage within the block face on which a parking lot is proposed to be located may be zoned residential.
 - (2) In the area of the B-4 zoning district bounded by 10th Street, 150 feet north of "P" Street, 14th Street, and "N" Street, parking as a primary use is prohibited;
- (NOTE: If the above conditions cannot be met, the use may be allowed upon approval of a special permit pursuant to Chapter 27.63).
- (h) Personal Services are allowed uses in the O-1, O-2, O-3, and R-T zoning district under the following conditions:
- (1) In the O-1 and O-3 zoning districts:
 - (i) The services shall be located entirely within a building containing office or residential uses.
 - (ii) The services shall not exceed twenty percent of the total square feet of floor area in such building.
 - (2) In the O-2 and R-T zoning districts, the floor area of said use shall not exceed 5,000 square feet.
 - (i) Retail sales including mail order catalog sales are allowed in the O-1, O-3, H-3, H-4, and I-1 zoning districts under the following conditions:
- (1) In the O-1 and O-3 zoning districts:
- (i) The retail sales shall be located entirely within a building containing office or residential uses.
 - (ii) Retail sales shall not exceed twenty percent of the total square feet of floor area in such building.
 - (iii) Retail sales shall occupy no more than 10,000 square feet of floor area per business.
- (2) In the H-3 zoning district, retail sales shall occupy no more than 20,000 square feet of floor area per business.
 - (3) In the H-4 zoning district, retail sales shall occupy no more than 30,000 square feet of floor area per business.
 - (4) In the I-1 zoning district, retail sales and service shall occupy no more than 20,000 square feet of floor area per business.
- (NOTE: If conditions (2), (3), and (4) above cannot be met, the use may be allowed if a special permit is approved pursuant to Chapter 27.63).
- (j) Sale of alcoholic beverages for consumption off the premises is allowed in the B-2 and B-5 zoning districts under the following conditions:
- (1) Parking shall be in conformance with the provisions of Chapter 27.67; provided that in the B-5 zoning district no parking spaces shall be located in that portion of any required side yard or rear yard of the building containing the licensed premises that abuts a residential district.
 - (2) Any exterior door opening must meet the following conditions:
 - (i) Be located at least 100 feet (as measured by the shortest, most direct distance) from a day care facility, place of religious assembly, state mental health institution, park (excluding golf courses and hiker/biker trails), or a residential district; provided that, if there is an intervening exterior wall of the building containing the licensed premises between the exterior door opening and such day care facility, place of religious assembly, state mental health institution, park (excluding golf courses and hiker/biker trails), or residential district, then the 100 feet shall be measured from the exterior door opening, along the exterior base of the building wall(s) to the point where there is no intervening exterior building wall, and from that point the shortest, most direct distance to the day care facility, place of religious assembly, state mental health institution, park (excluding golf courses and hiker/biker trails), or residential district.
 - (ii) If the exterior door opening faces a residential district, then such opening shall be at least 150 feet from a residential district as measured by the shortest, most direct perpendicular distance. The exterior door shall not be kept or propped open during the hours of operation. For purposes of this section, "exterior door opening" shall mean (A) that portion of the exterior wall face of the building containing the licensed premises that contains a break to accommodate the exterior building door, door frame, door vestibule, or door entryway area; and (B) provides public or membership access to the licenses premises. "Exterior door opening" shall not apply to openings for emergency exit doors required by building or safety codes or loading or unloading doors that are not available for public or membership access in the ordinary course of business.
 - (3) Vehicle stacking for a drive-through window used as any part of the permitted business operation shall not be located in any required building setback from a residential district.

- (4) The use shall not have any amplified outside sound or noise source, including bells, buzzers, pagers, microphones, or speakers within 150 feet of any residential district. This shall not apply to sound sources audible only to the individual to whom they are directed, such as personal pagers, beepers, or telephones.
- (5) Notwithstanding any contrary provision contained in Section 27.64.010(h), the yard requirements, the parking location requirements, and the exterior door opening location requirements in this section shall not be adjusted by the City Council.
- (6) In addition, in the B-2 zoning district, all exterior door openings of the licensed premises shall be located more than 100 feet away from any parking spaces located in a side or rear yard adjacent to a residential district. For the purpose of this measurement, the side yard shall be 50 feet. In addition, if there is an intervening exterior wall of the building containing the licensed premises between the exterior door opening and such residential district, then the 100 feet shall be measured from the exterior door opening, along the exterior base of the building wall(s) to the point where there is no intervening exterior building wall, and from that point the shortest, most direct distance to any parking spaces located in a side or rear yard adjacent to the residential district.
- (7) In addition, in the B-5 zoning district when the building containing the licensed premises abuts a residential district, the required yards shall be met.
- (k) Service and repair facilities are allowed in the R-T, B-1, B-3, and H-2 zoning districts under the following conditions:
 - (1) The floor area of said premises not devoted to sales or office space shall not exceed 5,000 square feet; and
 - (2) All displays and merchandise shall be within the enclosure walls of the buildings.
 - (3) In addition, in the B-3 zoning district, appliance service and repair shall comply with the following additional conditions:
 - (i) No appliance sales and repair facility shall be permitted to locate within 100 feet of any residential use or district;
 - (ii) Any appliance service and repair facility located within 100 feet of any residential use or district which was lawfully established in this district on the effective date of this ordinance, shall screen the facility from such residential use or district by the use of an opaque fence six feet in height, constructed of wood, or of a substitute material found acceptable to the Director of Building and Safety;
 - (iii) The locational or screening requirements of (i) and (ii) above shall not apply when said residential use or district is across a public street from the appliance sales and repair facility, but shall apply if said residential use or district is across an alley or private drive from the appliance sales and repair facility.

Seconded by Raybould & carried by the following vote: AYES: Camp, Christensen, Eskridge, Gaylor Baird, Lamm, Raybould, Shobe; NAYS: None.

CLERK Read an ordinance, introduced by Carl Eskridge, amending Title 27 of the Lincoln Municipal Code by amending Section 27.62.100 of the Lincoln Municipal Code relating to motorized vehicle sales to revise conditions for such use in the H-2 and H-3 districts, as a conditional use: by amending Section 27.67.040 to add special parking requirements for motorized vehicle sales and to amend Figure 27.67.040 to include Motorized Vehicle Sales within the list of uses with special parking requirements; and by repealing Section 27.62.100, Section 27.67.040, and Figure 27.67.040 as hitherto existing, the third time.

ESKRIDGE Moved to pass ordinance as amended.

Seconded by Raybould & carried by the following vote: AYES: Camp, Christensen, Eskridge, Gaylor Baird, Lamm, Raybould, Shobe; NAYS: None.

The ordinance, being numbered #20496, is recorded in Ordinance Book 32.

ORDINANCES - 3RD READING & RELATED RESOLUTIONS

TEXT AMENDMENT 17007 – AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE (THE ZONING ORDINANCE), BY REPEALING SECTION 27.26.090 REGARDING THE LOCATION OF BUILDINGS, STRUCTURES, PARKING, AND ACCESS DRIVES AND THE PRESERVATION OF REQUIRED OPEN SPACE IN THE O-2 SUBURBAN OFFICE DISTRICT WHENEVER THE O-2 DISTRICT EXTENDS FURTHER FROM THE STREET THAN ANY ABUTTING B-1, B-3, B-4, H-2, H-3, OR I-1 DISTRICT; AMENDING SECTION 27.72.130 TO DELETE AN IDENTICAL PROVISION IN SUBSECTION (E); AND REPEALING SECTION 27.72.130 AS HITHERTO EXISTING - CLERK read an ordinance, introduced by Jane Raybould, amending the Zoning Ordinance, Title 27 of the Lincoln Municipal Code, by repealing Section 27.26.090 regarding the location of buildings, structures, parking, and access drives and the preservation of required open space in the O-2 Suburban Office District whenever the O-2 district extends further from the street than any abutting, B-1, B-3, B-4, H-2, H-3, or I-1 district; amending Section 27.72.130 to delete an identical provision in Subsection (e); and repealing Section 27.72.130 as hitherto existing, the third time.

RAYBOULD Moved to pass ordinance as read.

Seconded by Eskridge & carried by the following vote: AYES: Camp, Christensen, Eskridge, Gaylor Baird, Lamm, Raybould, Shobe; NAYS: None.

The ordinance, being numbered #20497, is recorded in Ordinance Book 32.

CHANGE OF ZONE 17006 – APPLICATION OF HARTLAND HOMES, INC. FOR A CHANGE OF ZONE FROM AGR AGRICULTURAL RESIDENTIAL DISTRICT TO R-3 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT SOUTHWEST 27TH STREET AND WEST A STREET - CLERK read an ordinance, introduced by Jane Raybould, amending the Lincoln Zoning District Maps adopted by reference and made a part of Title 27 of the Lincoln Municipal Code, pursuant to Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the third time.

RAYBOULD Moved to pass ordinance as read.

Seconded by Eskridge & carried by the following vote: AYES: Camp, Christensen, Eskridge, Gaylor Baird, Lamm, Raybould, Shobe; NAYS: None.

The ordinance, being numbered #20498, is recorded in Ordinance Book 32.

RESOLUTIONS - 1ST READING

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF MAY 1-15, 2017.

APPROVING AN AMENDED COOPERATIVE AGREEMENT BETWEEN THE NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY (NDEQ) AND THE CITY OF LINCOLN REGARDING AN INCREASE IN STATE OF NEBRASKA GRANT FUNDING FROM THE STORMWATER MANAGEMENT PLAN.

COMP. PLAN AMENDMENT 17001 – APPLICATION OF THE PUBLIC WORKS AND UTILITIES DIRECTOR TO AMEND THE 2040 LINCOLN-LANCASTER COUNTY COMPREHENSIVE PLAN TO ADD THE “UPPER WAGON TRAIN WATERSHED MASTER PLAN” TO THE LIST OF SUB AREA PLANS IN THE PLAN REALIZATION CHAPTER OF THE COMPREHENSIVE PLAN, AND TO AMEND THE LINCOLN AREA AND LANCASTER COUNTY FUTURE LAND USE MAPS TO HAVE THE FUTURE LAND USE DESIGNATIONS BE CONSISTENT WITH THE PROPOSED FLOODPRONE AREA.

REAPPOINTING JIM JOHNSON AND ~~LIZ~~ LIZ BAVITZ TO THE HISTORIC PRESERVATION COMMISSION FOR TERMS EXPIRING APRIL 15, 2020.

APPOINTING BRICE MIDDLETON TO THE VETERANS MEMORIAL GARDEN ADVISORY COUNCIL FOR A TERM EXPIRING NOVEMBER 1, 2019.

REAPPOINTING STEVEN EGGLAND AND JOHN NEAL TO THE TELECOMMUNICATIONS/CABLE TELEVISION ADVISORY BOARD FOR TERMS EXPIRING JULY 1, 2020.

ORDINANCES - 1ST READING & RELATED RESOLUTIONS (AS REQUIRED) - NONE.

STREET & ALLEY VACATION 17003 – VACATING A PORTION OF THE SOUTH 16TH STREET RIGHT-OF-WAY DIRECTLY NORTH OF PINE LAKE ROAD - CLERK read an ordinance, introduced by Carl Eskridge, vacating a portion of South 16th Street right-of-way directly north of Pine Lake Road, located in the Northwest Quarter of Section 24, Township 9 North, Range 6 East of the 6th P.M., Lincoln, Lancaster County, Nebraska, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the first time.

COMP. PLAN CONFORMANCE 17007 – DECLARING APPROXIMATELY 24,686 SQUARE FEET OF PROPERTY GENERALLY LOCATED AT 7701 GREYCLIFF DRIVE AS SURPLUS PROPERTY - CLERK read an ordinance, introduced by Carl Eskridge, declaring approximately 24,686 square feet of City owned property generally located at 7701 Greycliff Drive as surplus, the first time.

OPEN MICROPHONE

Teri Pope-Gonzalez, 349 S. 1st Street, came forward with a number of statements.
This matter was taken under advisement.

ADJOURNMENT

7:07 P.M.

CAMP Moved to adjourn the City Council Meeting of May 22, 2017.
 Seconded by Raybould & carried by the following vote: AYES: Camp, Christensen, Eskridge,
 Gaylor Baird, Lamm, Raybould, Shobe; NAYS: None.

Soulinnee Phan, Deputy City Clerk

Monet J. McCullen, Office Specialist